City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2302480

Applicant Name: Peggy Gaynor for Seattle Parks Department

Address of Proposal: 1840 NE 58th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit for the daylighting 650 lineal feet of new creek channel in Ravenna Creek located in the southeast corner of Ravenna Park and the installation of two (2) pedestrian overlook decks and one (1) pedestrian bridge. The outfall of the creek will be near NE 55th Street at the southeast corner of the existing little league field. Artwork will be included at the outfall of the daylighted channel. Additionally, 6,700 cubic yards of excavation and 4,800 cubic yards of fill will occur in a steep slope area of the site. The 1,900 cubic yards of excess excavation will be hauled off site to Sand Point, a Seattle Department of Parks and Recreation facility. Native vegetation will be planted over approximately 2.5 acres of the site.

The following approvals are required:

SEPA - To impose conditions. Chapter 25.05, Seattle Municipal Code.
(DNS prepared by Seattle Department of Parks and Recreation April 29, 2003)

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[X] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Location and Description

The proposal site is located at 1840 NE 58th Street within Ravenna Park, which totals an area of approximately 48.6 acres of City owned property managed by the Seattle Department of Parks and Recreation. Approximately 3.1 acres of park space are within the construction limits of this proposed project. This area is in the southeast portion of the park (Figure 1).

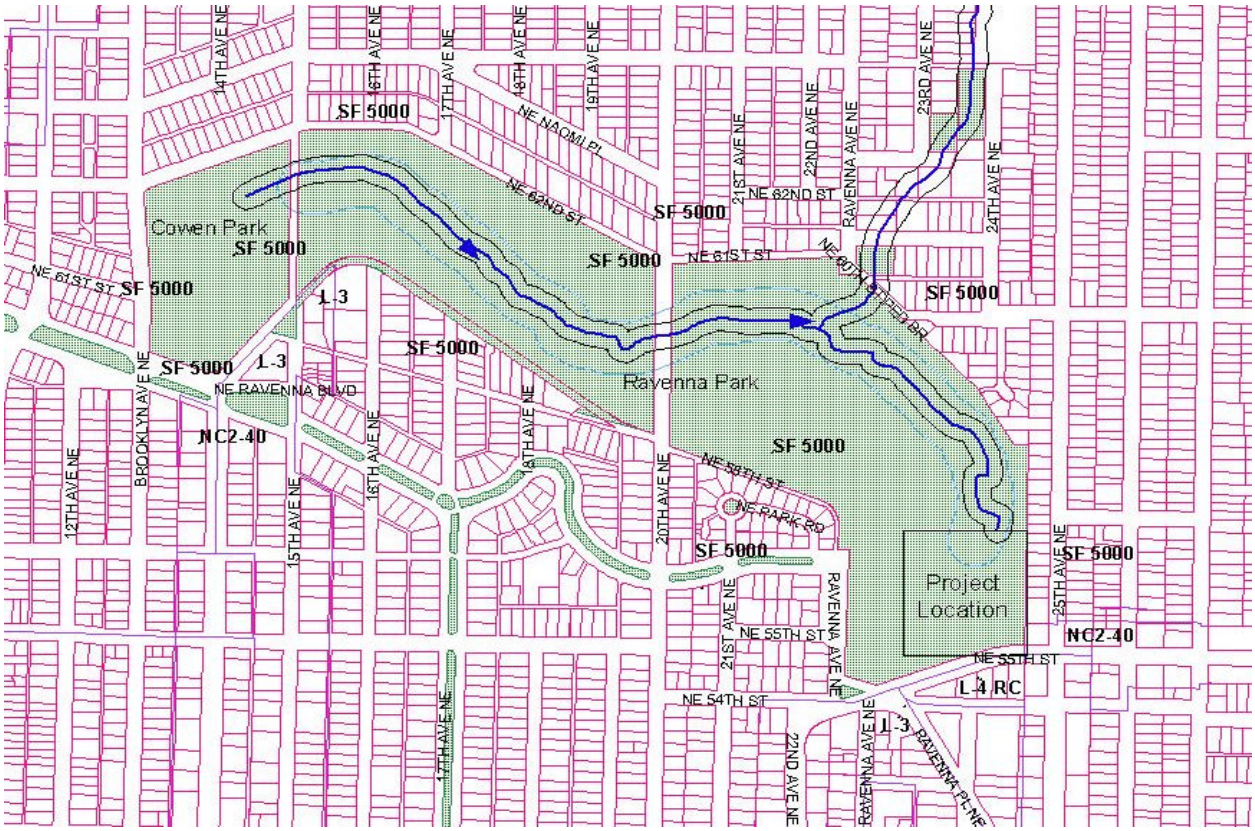

Figure 1. Project Location – Ravenna Creek and Ravenna Park, Seattle, Washington 2005

Zoning

Single Family 5000 (SF 5000) zone (Figure 1).

Area Development

North: Ravenna Park and single family residences, SF 5000 zone
East: Single family residences, SF 5000 and NC2-40 zones
South: NE 55th Street, multi-family residences and retail shops, L3 and L4/RC zone

West: Ravenna Avenue NE, single family residences, SF 5000 zone (Figure 1)

Proposal Description

Extend the downstream end of Ravenna Creek's natural stream channel within Ravenna Park, from its current terminus at a slant drain and piped into the existing 96 inch Metro sewer tunnel to the south end of the park near NE 55th Street. Approximately 650 lineal feet of new stream channel will be created in its approximate historic location within the existing lower playfield of Ravenna Park.

Implementation of the project will involve excavation and grading within upland areas and existing athletic fields, removal of non-natural structures, fill and non-native plants from the riparian corridor. Natural in-stream structures will be installed in the new stream channel and native plants will be planted in the project area. Two pedestrian overlook decks will be constructed, one pedestrian bridge and porous pavement pathways will be constructed to improve pedestrian access and amenities. Additionally, the two existing wetlands (Wetlands A and B) will be enhanced with the removal of non-native vegetation and the revegetation with native vegetation and Wetland A will be expanded by an area of 3,700 square feet. Re-grading of the steep slope area will occur and pedestrian access with stairs and seating will be installed.

A total amount of 11,500 cubic yards will be graded including 6,700 cubic yards of excavation and 4,800 cubic yards of fill. The proposed fill in the amount of 4,800 cubic yards will be of the material that is excavated on site. The excess 1,900 cubic yards of material will be hauled off site to Sand Point, a Seattle Department of parks and Recreation facility.

Public Comment

No public comments were received during the comment period that ended on August 8, 2003.

Environmental Critical Area

Liquefaction prone, riparian corridor, wetlands, steep slope and fish and wildlife conservation areas, all designated environmental critical areas and regulated under Seattle Municipal Code (SMC) Chapter 25.09 are present on the site. Critical area review was conducted and the project complies with this chapter of the SMC as described below.

The general standards of the ECA code applies to all projects located in environmental critical areas. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the ECA code and with best management practices for the construction of the proposed project. All projects within an ECA must meet the application submittal requirements, general requirements and development standards per SMC 25.09.060:

The proposed project as designed is consistent with the applicable general standards for development within ECAs and the project proponent has submitted all required material. The appropriate general

development standards to ensure impacts to the environmental critical areas during construction are non-appealable conditions of this project and are listed at the end of the decision. These measures will minimize the impacts to the ECAs on the site.

Additionally, there are specific development standards for each environmental critical area type. Below are the development standards for steep slopes and riparian corridors

Development Standards for Liquefaction-prone Areas Applicable to this Project

A. Soils engineering studies shall be required of all proposed development in areas subject to liquefaction to determine the physical properties of the surficial soils, especially the thickness of unconsolidated deposits, and their liquefaction potential.

B. If it is determined that the site is subject to liquefaction, mitigation measures appropriate to the scale of the development shall be recommended and implemented through requirements of SMC Title 22, Subtitle VIII, Grading and Drainage Control Ordinance, SMC Title 22, Subtitle I, Building Code, and any other applicable codes or regulations pertaining to development within liquefaction-prone areas.

This project underwent review by Seattle Department of Planning and Development geotechnical engineering staff and complies with the above standards as designed.

Development Standards for Riparian Corridors Applicable to this Project

A. Riparian Corridor Watercourse. No development shall be permitted within or over the watercourse as delineated by survey and accepted by the Director. If no other access is available to the property, the Director may approve access over the watercourse as long as it maintains the natural channel and floodway of the watercourse and minimizes the disturbance of the buffer to the greatest extent possible.

B. Minimum Riparian Corridor Buffer. In order to prevent harm on-site and downstream, and in order to minimize degradation of water quality, a buffer shall be established within the corridor within which development shall not be permitted. All buffers shall be measured horizontally from the top of the bank, or if that cannot be determined, from the ordinary high water mark as surveyed in the field. In cases with braided channels and alluvial fans, the top of the ordinary high water mark shall be determined so as to include the entire stream feature. The buffer shall not extend beyond an existing public road if the road has an adequate storm water catchment facility. The minimum buffer shall be as follows:

1. Class A Riparian Corridor Buffers; Fifty Feet (50'); and

2. Class B Riparian Corridor Buffers; Twenty-five feet (25').

C. Buffer Vegetation and Restoration.

1. Natural Buffer. If the vegetation within the buffer is generally in a natural state that prevents erosion, protects water quality, and provides a diverse habitat, the retention of the buffer's existing vegetation shall be required.

2. Buffer Restoration. If the vegetation within the buffer has been previously disturbed or degraded, the preparation of a plan to enhance the buffer through replanting or augmenting the existing vegetation with native or similar plants may be required by the Director. Any revegetation plan shall be prepared by a qualified professional with landscaping, plant ecology, or botany education and experience. The plan shall be approved by the Director. Vegetation shall not be removed or otherwise disturbed until the applicant is ready to replant immediately.

E. Riparian Corridor Restoration.

1. To encourage restoration of a riparian corridor presently located in an underground pipe or culvert, the following conditions shall apply:

a. Every effort shall be made to avoid building over a riparian corridor located in an underground pipe or culvert, except when located under a street right-of-way; and

b. Uncovering of the riparian corridor should be encouraged and allowed with the Director's approval of the following exceptions to riparian corridor standards:

i. The minimum buffer may not be required if there is no space available; and

ii. The open riparian corridor may be located elsewhere on-site or on adjacent sites.

This project as designed is a restoration project increasing the amount of open water channel in Ravenna Creek, which is a Class A riparian corridor. The width of the buffer of the newly opened channel will be 50 feet and this area will be vegetated with native vegetation exclusively. New and existing stream corridor will be revegetated with diverse, multi-layered native wetland plant species, and enhanced with large woody debris and boulders. The new stream channel will be excavated from the current end of the creek at the slant drain, through an existing fill mound and playfield. A soil plug between existing and new stream channels will remain during construction. The soil plug will be removed and stream flow added to the new channel only after construction, including all planting and seeding, is completed and the site has stabilized. The newly opened channel will provide habitat for aquatic and terrestrial wildlife species enhancing the existing site.

Development Standards for Wetlands Appropriate for this Project

A. Wetland. Wetland provisions of this chapter shall apply only to wetlands of one hundred (100) square feet or greater in area, Grading, filling, draining and/or development within wetlands and their buffers, other than wetlands of exceptional value, shall only be allowed under the following limited situations and conditions:

1. Wetlands altered for use as lawns or playfields prior to the effective date of this ordinance shall not be regulated as wetlands unless the Director determines that the wetland could be restored when new development or redevelopment occurs on the site; and

2. Wetlands, excluding wetlands of exceptional value, may be considered for alteration if the proposal meets the criteria for an Environmentally Critical Areas Exception, Section 25.09.300 of this chapter, and complies with the following wetland compensation requirements:

a. Restoration of an existing degraded wetland, or

b. Creation of additional substitute wetlands, although the Director shall give preference to restoration, and

c. Restoration of an existing degraded wetland or creation of substitute wetlands shall meet the following conditions:

i. The applicant shall fund the wetland restoration or creation under the direction and authority of the Director,

ii. To the greatest extent practical, restoration or creation may occur either on or off site, but within the same drainage basin,

iii. Restoration or creation shall be of a similar type and shall take place before alteration of the original wetland,

iv. Restoration or creation shall require the original wetland to be replaced at a ratio of two to one (2:1), and

v. The restored or substitute wetland shall provide comparable water-quality benefits and be of at least equal habitat and hydrologic value.

B. Wetland Buffer. In order to protect wetland areas and maintain water quality, a minimum wetland buffer of fifty feet (50') shall be established within which no development shall be permitted and all vegetation shall remain undisturbed. The wetland buffer shall be measured horizontally from the edge of the wetland.

C. Buffer Vegetation and Restoration.

1. Natural Buffer. If the vegetation within the buffer is generally in a natural state that prevents erosion, protects water quality, and provides a diverse habitat, the retention of the buffer's existing vegetation shall be required.

2. Buffer Restoration. If the vegetation within the buffer has been previously disturbed or degraded, the preparation of a plan to enhance the buffer through replanting or augmenting the existing vegetation with native or similar plants may be required by the Director. Any revegetation plan shall be prepared by a qualified professional with landscaping, plant ecology, or botany education and experience. The plan shall be approved by the Director. Vegetation shall not be removed or otherwise disturbed until the applicant is ready to replant immediately.

3. Buffer Revegetation Exemptions. The Director shall allow the removal by hand of invasive plants, such as purple loosestrife. No machines or chemical removal shall be permitted without the Director's approval.

Two wetlands (Wetland A and B) were delineated within the project site. Both wetlands are greater than 100 square feet in size and are therefore regulated under Seattle's Environmental Critical Areas code, which requires a minimum 50-ft buffer. Wetland A is palustrine emergent/scrub shrub and riverine unconsolidated bottom wetland associated with, and encompassing Ravenna Creek. Wetland B is a narrow, 490 square foot, palustrine emergent wetland located along the base of a steep slope. The project design maintains the 50-ft vegetated buffer along with the existing pedestrian and maintenance access path within the buffer. The vegetated buffer will be enhanced by removing non-native vegetation and planting native vegetation in this area. The existing gravel road adjacent to Wetland B will be relocated, narrowed to 10 feet wide, and curbs added to limit access to the wetland by maintenance vehicles and pedestrian traffic. Additionally, pre-existing fill will be removed from areas adjacent to Wetland A and approximately 3,700 square feet of additional wetland will be created.

Development Standards for Steep Slopes Applicable to his Project

A. Development Limitations on Steep Slopes and Buffers on Existing Lots.

1. Development shall be avoided on areas over forty percent (40%) slope whenever possible.

2. Generally, the Director shall require a fifteen-foot (15') buffer from the top or toe of a slope whenever practicable based on geotechnical and hydrological site constraints and the impacts of proposed construction methods on the stability of the slope, increased erosion potential, and disruption of existing topography and vegetation. The width of the buffer may be increased or decreased as determined by the Director based on the following considerations:

a. Proposed construction method and its effect on the stability of the slope and increased erosion potential;

b. Techniques used to minimize disruption of existing topography and vegetation; and

c. Preparation of technical reports and plans to address and propose remedies regarding soils and hydrology site constraints.

3. When it is not practicable to avoid development on areas over forty percent (40%) slope and the buffer area, the following conditions shall apply:

a. Grading and development activity and other land disturbing activity shall not exceed thirty percent (30%) of the areas measured over forty percent (40%) slope. This shall not include vegetation removal for the purposes of replacing existing vegetation with more suitable plants; and

b. The Director may impose conditions concerning the type and method of construction that reflect the specific constraints of the site, as well as the landslide-prone area regulations of this chapter, Section 25.09.080 A.

B. Vegetation Removal and Replanting. Removal of vegetation in steep-slope areas shall be minimized. Any replanting that occurs shall consist of trees, shrubs, and ground cover that is compatible with the existing surrounding vegetation, meets the objectives of erosion prevention and site stabilization, and does not require permanent irrigation for long-term survival.

C. Site Design Guidelines. The following guidelines shall be followed for development in steep-slope areas:

1. Structures should be designed and placed on the hillside to minimize negative impacts, such as grading and land disturbing activity;

2. Driveways and utility corridors should be minimized through the use of common access drives and corridors where feasible. Roads, walkways, and parking areas should be designed parallel to topographic contours with consideration given to maintaining consolidated areas of natural topography and vegetation. Access should be located in a way that minimizes impacts to steep slopes or other critical areas;

3. Development should be located on the least sensitive portion of the site to preserve the natural land forms, geological features, and vegetation;

4. Terracing of land shall be kept to a minimum;

D. Steep Slope Exemptions.

3. Previously Developed Sites. Sites that have been previously developed may be exempted by the Director from steep-slope requirements under the following conditions:

a. If the objectives of the steep slope regulations would not be compromised; and

b. If the degree of nonconformity with the environmentally critical areas regulations, if applicable, is not increased. This exemption shall not be allowed for short subdivision or subdivision applications.

4. Limited Exemptions. Slopes with a vertical elevation change of up to twenty feet (20') and not part of a larger steep-slope system, or slopes which have been created through previous, legal grading

activities, may be exempted by the Director from the steep-slopes regulations based on a geotechnical report demonstrating that no adverse impact will result from the exemption.

5. Stabilization of Landslide-prone Area. Certain steep slopes may be exempted from the steep slope regulations upon the Director's determination, based on geotechnical expertise, that application of the regulations would prevent necessary stabilization of a landslide-prone area, subject to the provisions of Section 25.09.080 C, Third-party Review.

6. Any project receiving an exemption shall be subject to steep-slope drainage control and vegetation removal regulations, as well as applicable landslide-prone area regulations of this chapter.

This project underwent review by Seattle Department of Planning and Development geotechnical engineering staff and complies with the above standards as designed.

Development Standards for Fish and Wildlife Habitat Conservation Areas Applicable to this Project

The characteristics of fish and wildlife habitat conservation areas shall be used to evaluate development within wetlands, riparian corridors and steep slopes. Preserving the integrity of fish and wildlife habitat corridors, and minimizing the intrusion of development into these designated habitat areas shall be considered in applications for buffer reductions and conditional use permits to transfer development credit to noncritical portions of a site.

This project as designed is a restoration project increasing the amount of wildlife habitat that includes native vegetation at the site.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the Environmental Checklist dated April 11, 2003 and a Biological Evaluation dated March 2003 and supplemental information provided in June of 2004. The information in the checklist, BE, supplemental information, and the experience of DPD reviewing similar projects form the basis for this analysis.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increased levels of fugitive dust and toxic exhaust fumes from the construction equipment, disturbance of steep slope and fish and wildlife conservation areas and displacement of some fish wildlife species due to regarding and revegetation activity and increased noise from the construction activities. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation may be warranted.

Several adopted codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); Seattle Environmental Critical Areas Code (SMC 25.09); Seattle's Stormwater, Grading and Drainage Control Code (SMC 22.800); State Air Quality Codes administered by the Puget Sound Clean Air Agency (air quality). In addition Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to control short-term impacts on water quality and long term impacts of construction and implementation. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

The applicant's SEPA Checklist discloses that the proposed construction work will occur in steep slope, liquefaction-prone, riparian corridor, and fish and wildlife conservation areas within and adjacent to Ravenna Creek. These areas are mapped on the DPD's Geographic Information System computer program. Additionally, Seattle Parks Department has identified two wetlands on site. These wetlands require a 50-ft buffer will be enhanced with native vegetation.

Construction material and equipment pose some potential danger of water contamination and steep slope and stream bank erosion. The contamination and erosion could lead to both water quality and aquatic and terrestrial habitat damage. In order to be prepared to provide a fast and effective response to spills or other actions which cause new contaminants to be introduced into the environment, it is necessary to condition the project to require that prior to commencing construction an emergency containment plan and procedures be developed and all necessary equipment be stocked on the site.

No further SEPA conditioning of potential short-term impacts appears to be warranted.

Long Term Impacts

Long-term or use related impacts are also anticipated from the proposal and include: access to the fish and wildlife conservation, steep slope and riparian corridor designated areas by humans. These long-term impacts are potentially significant without mitigation; therefore, merit a detailed discussion of the impacts and appropriate mitigation. The project proponent has designed paths and trails through the steep slope, fish and wildlife conservation and riparian corridor areas to limit the areas of access and to provide pathways that will reduce the amount of erosion that will occur as the result of humans accessing the area. This mitigation measure is believed to minimize impacts on the terrestrial and aquatic fish and wildlife habitat at the site and to minimize the impacts to the steep slope and liquefaction prone areas. Additionally, the riparian vegetation planted along the creek within the newly created riparian

corridor buffer will increase the allocthonous input of insects and detritus to Ravenna Creek food and nutrients for aquatic organisms. Furthermore, the revegetation of the steep slope areas with native vegetation increases the function of the Fish and Wildlife Conservation areas improving the habitat for terrestrial and avian wildlife species.

CONDITIONS - SEPA

Prior to Issuance of the Master Use Permit

1. A spill prevention and control plan shall be prepared and submitted to Land Use Planner (Maggie Glowacki 206.386.4036). This plan shall include measures that will ensure that hazardous or toxic materials are controlled during construction a description of preventative measures that will be used to prevent toxic substances from being spilled procedures that will be followed in the event of a toxic spill, and the requirement that an emergency spill kit be kept at the site.

Prior to Issuance of the Master Use Permit

2. The owner(s) and/or responsible party(ies) shall notify in writing all contractors and sub-contractors of the general requirements set forth in this Master Use Permit.

During Construction

3. All necessary equipment for containment and clean-up of hazardous or toxic materials shall be kept on site. A sufficient number of personnel shall be trained in the proper implementation of the emergency containment plan.

Conditions for the Life of the Project

4. The native vegetation that is planted at the site shall be maintained for the life of the project. Monitoring of the newly planted vegetation shall take place over a period of five years to ensure 80 percent survival of this vegetation. Replacement of plants that do not survive shall be a component of the monitoring.

Non Appealable Environmental Critical Areas Conditions

Prior to the Commencement of Construction

4. A construction activity schedule and mitigation plan shall be prepared to be approved by the Director prior to the start of construction. This schedule and mitigation plan shall include, but not be limited to, a schedule for compliance with project conditions, limits of construction and work activities, equipment to be used, start and duration of each phase, work sequencing, and shall

include the design, implementation, maintenance, and monitoring of mitigation requirements to prevent erosion, siltation, and destruction of vegetation. This plan shall be reviewed with the owner's representative and approved by the Director at a pre-construction meeting prior to the start of construction.

Conditions during construction

The following conditions(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

5. A soil plug between existing and new stream channels will remain during construction to prevent the flow of water into the construction area. The soil plug will be removed and stream flow added to the new channel only after construction, including all planting and seeding, is completed and the site has stabilized

6. All buffer areas and other designated protected areas shall be fenced with a highly visible and durable protective barrier during construction to prevent access and protect environmentally critical areas. No removal of vegetation or wildlife habitat shall be permitted within the protected wetlands and their buffers, riparian corridors and their buffers, and steep slopes and their buffers either during or after construction, except as otherwise permitted by the review of this project and depicted on the approved site plans.

7. All disturbed areas on the site, including developmental coverage and construction activity areas, shall be managed in a manner sufficient to control drainage and prevent erosion during construction, and revegetated to promote drainage control and prevent erosion after construction. The Director may require an erosion control plan and a vegetation removal and replacement plan when erosion potential is severe. The erosion control plan shall be prepared and followed using best management practices. The vegetation removal and replacement plan shall be prepared by a qualified professional with landscaping, plant ecology and botany education and experience. All revegetation shall consist of trees, shrubs, and ground cover that does not require permanent irrigation systems for long-term survival and is suitable for the location.

8. All sites shall be cleared in stages just prior to construction, and cleared areas shall only be as large as necessary for construction. Revegetation shall occur after the particular phase of construction is completed. When required by the Director, the vegetation removal and replacement plan shall establish a staged vegetation removal and replacement program which minimizes the amount of exposed soil during and after construction. In drier months, irrigation or temporary installation of intermediate plantings may be required until weather or seasonal conditions permit installation of the permanent plantings.

9. All construction activity on environmentally critical area sites shall follow best management practices. These practices include installation of siltation barriers to minimize erosion and pollutants entering the watercourse, as well as other methods such as diversion measures, slope drains, and structural and vegetative stabilization techniques.

10. All grading in environmentally critical areas shall be completed or stabilized by October 31st of each year unless demonstrated to the satisfaction of the Director based on approved technical analysis that no environmental harm or safety problems would result from grading between October 31st and April 1st.

11. Development occurring in riparian corridor, wetland and steep-slope sites shall preserve the integrity of wildlife habitat corridors, and minimize the intrusion of development into designated wildlife habitat areas.

12. The construction activity schedule and mitigation plan prepared prior to the commencement of construction shall be followed.

Signature: (signature on file) Date: January 13, 2005
Margaret M. Glowacki, Fisheries Biologist/Salmon Planner

MMG:rgc
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